REMARKS

The Office Action dated October 2, 2006, has been received and carefully considered. Claims 1-35 are pending in the application. Claims 1 and 29-35 are amended by this response. Applicants believe that the application is in condition for allowance and notice thereof is respectfully requested.

I. Objections

The Office Action objected to a paragraph in the specification because of a numbering informality. Applicants respectfully submit replacement paragraph [0054]. Applicants respectfully submit that the amendment to the specification does not incorporate any new matter into the application, and that sufficient basis for the amendment exists within the original specification and claims. Applicants respectfully request that the objection to the specification be withdrawn.

II. Information Disclosure Statement

The Office Action did not consider several references submitted in an Information Disclosure Statement dated November 16, 2005. The Office Action stated that some of the references were submitted in a compact disc and were therefore improperly submitted. Applicants respectfully submit a supplemental Information Disclosure Statement dated March 2, 2007, and request that the references be entered and considered.

III. Pending Rejections

Claims 1, 2, 4, 7, 10, 17, 18, and 24-34 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application 2005/0131918 to Hillis et al. ("Hillis").

Claims 3, 5, 6, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent Application 2005/0144297 to Dahlstrom. ("Dahlstrom").

Claims 8, 9, and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent 7,072,888 to Perkins. ("Perkins").

Claims 11, 12, 13, and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent Application 2003/0014428 to Mascarenhas. ("Mascarenhas").

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent Application 2004/0199584 to Kirshenbaum et al. ("Kirshenbaum").

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent Application 2005/0204276 to Hosea et al. ("Hosea").

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent Application 2005/0060404 to Ahlander et al. ("Ahlander").

Claim 35 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent 6,698,020 to Zigmond et al. ("Zigmond").

A. The Pending Claims Are Not Anticipated by United States Patent Application 2005/0131918 to Hillis et al.

Claims 1, 2, 4, 7, 10, 17, 18, and 24-34 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. 2005/0131918 to Hillis et al. ("Hillis"). To the extent this rejection applies to the pending claims, Applicants respectfully traverse the rejection and requests reconsideration thereof for reasons set forth below. Applicants do not admit that Hillis is a proper reference under 35 U.S.C. § 102(e), but present an analysis *arguendo*.

"A claim is anticipated **only if each and every element as set forth in the claim** is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." Manual of Patent Examining Procedure 8th ed., rev. 5 (hereinafter "M.P.E.P.") § 2131 (2006) (emphasis added).

Hillis does not anticipate claims 1, 2, 4, 7, 10, 17, 18, and 24-34 because Hillis fails to disclose each and every element set forth in those claims. Hillis is directed to a method for "evaluating content by combining ratings obtained from one or more evaluation systems. . . ." Hillis Abstract. "[A] server queries a plurality of evaluation systems," and "[t]he evaluation systems are queried by the content server to obtain the ratings used in determining the combined rating." Hillis ¶ [0018]. The content server of the Hillis application appears to query one or more evaluation systems for rating information regarding the document, and then aggregates the information returned to create a simplified rating score to display. The content server appears to rely on the one or more evaluation systems to generate a rating for a document. The Hillis application does not appear to send documents to evaluators for evaluation.

In contrast, the methods of claims 1, 32, and 34 recite, in pertinent part, "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." Hillis does not disclose "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." Accordingly, Applicants respectfully request that the rejection of claim 1, 32, and 34 under 35 U.S.C. § 102(e) be withdrawn. Claims 2, 4, 7, 10, 17, 18, and 24-28 depend from allowable claim 1 and are therefore allowable themselves for at least that reason.

The program code of claim 29 recites, in pertinent part, "select a plurality of evaluators to rate the document. . ." and "pass the document to the plurality of evaluators for rating. . . ." Hillis does not disclose "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." Accordingly, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. § 102(e) be withdrawn.

The system of claim 30 recites, in pertinent part, "selecting means for selecting a plurality of evaluators to rate the document. . ." and "passing means for passing the document to the plurality of evaluators for rating. . . ." Hillis does not disclose "selecting means for selecting a plurality of evaluators to rate the document. . ." and "passing means for passing the document to the plurality of evaluators for rating. . . ." Accordingly, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. § 102(e) be withdrawn.

The system of claim 31 recites, in pertinent part "a selecting device that selects a plurality of evaluators to rate the document. . ." and "a passing device that passes the document to the plurality of evaluators for rating. . . ." Hillis does not disclose "a selecting device that selects a plurality of evaluators to rate the document. . ." and "a passing device that passes the document

to the plurality of evaluators for rating. . . ." Accordingly, Applicants respectfully request that the rejection of claim 31 under 35 U.S.C. § 102(e) be withdrawn.

The method of claim 33 recites, in pertinent part "transmitting the document to a plurality of evaluators. . . ." Hillis does not disclose "transmitting the document to a plurality of evaluators. . . ." Accordingly, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. § 102(e) be withdrawn.

In view of the foregoing arguments, Applicants respectfully submit that claims 1, 2, 4, 7, 10, 17, 18, and 24-34 are not anticipated by Hillis, as every element set forth in the claims cannot be found in Hillis. Accordingly, Applicants respectfully request that these claims be allowed. Thus, Applicants respectfully request that the rejection of claims 1, 2, 4, 7, 10, 17, 18, and 24-34 under 35 U.S.C. § 102(e) be withdrawn.

B. The Pending Claims Are Not Obvious by the Multiple United States Patents and Patent Applications.

The Office Action rejects independent claim 35 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillis in view of U.S. Patent 6,698,020 to Zigmond et al. ("Zigmond"). "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. § 2143.03.

The method of claim 35 recites, in pertinent part, "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." As shown above in the paragraph regarding claims 1, 32, and 34, Hillis does not teach "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." Similarly, Zigmond also does not teach "selecting a plurality of evaluators to rate the document. . ." and "passing the document to the plurality of evaluators for rating. . . ." As neither of the references the Office Action uses to reject this claim under 35 U.S.C. § 103(a) teach or suggest all of the claim limitations, alone or in combination, Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. § 103(a) be withdrawn.

"If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." M.P.E.P. § 2143.03. The Office Action rejected independent claim 1 under 35 U.S.C. § 102(e). The Office Action did not reject independent claim 1 under 35 U.S.C. § 103. The Applicants respectfully submit that the 35 U.S.C. § 102(e) rejection to claim 1 should be withdrawn as shown above. Therefore, the rejection of dependent claims 2-28 under 35 U.S.C. § 103 with regard to various combinations of the Hillis patent application and other U.S. Patents and U.S. Patent Applications should also be withdrawn.

CONCLUSION

An indication of allowance of all claims is earnestly solicited. Early notification of a favorable consideration is respectfully requested. It is believed only a fee in the amount of $450.00 for a two month extension of time is required with this response. In the event that a variant exists between the amount tendered and that determined by the U.S. Patent and Trademark Office to enter this Reply or to maintain the present application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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